

PROB 12B
(12/88)

FILED
JAMES BONINI
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United States District Court

for

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District of Southern Ohio

**U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Andrea L Pitts** Case Number: **1:02CR00094**

Name of Sentencing Judicial Officer: **The Honorable Sandra S. Beckwith
Chief United States District Judge**

Date of Original Sentence: **January 10, 2003**

Original Offense: **Bank Embezzlement**

Original Sentence: **1 month(s) imprisonment, 48 month(s) supervised release**

Special Conditions:

- 1) 5 months electronically monitored home confinement**
- 2) Obey all federal, state, and local laws**
- 3) No firearms or other dangerous weapons**
- 4) No controlled substances**
- 5) No new lines of credit or incur credit charges without prior authorization of the probation officer**
- 6) Provide financial information to probation upon request**
- 7) One drug test within 15 days after release from prison and at least two periodic drug tests thereafter**
- 8) Cooperate with federal, state, and local tax authorities in the determination of taxable income and the payment of any applicable tax, interest, and penalties as a result of the instant offense**
- 9) File accurate tax returns, amending previously filed returns if necessary, by January 31, 2003**
- 10) Pay restitution in the amount of \$18,171 to Fifth Third Bank, and enter into a consent judgement in favor of Fifth Third Bank in the amount of \$35,000 less any amount recovered by the United States or Fifth Third Bank and the consent judgement shall survive the period of supervised release**
- 11) Pay \$100 Special Assessment, due immediately**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **March 14, 2003**

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows: **The supervised releasee shall participate in a program of substance abuse treatment at the direction of the probation officer.**


CAUSE


Ms. Pitts submitted urine specimens at the U.S. Probation Office on December 13, 2004, January 12, 2005, and on March 11, 2005. These specimens were all returned positive for marijuana metabolite on December 16, 2004, January 15, 2005, and March 17, 2005, respectively.

On May 17, 2005, this officer met with Ms. Pitts to discuss the proposed modification. This officer explained her rights to counsel and a modification hearing in detail. Pitts stated she understood her rights completely, and wanted to waive those rights because she was in agreement with the addition of the condition. She then signed the waiver form on that date.

Ms. Pitts's attorney, Mr. Ransom C. Hudson, Esq., advised the probation officer that he had no objections to the proposed modification.


Based on these factors, this officer respectfully recommends the Court grant the proposed modification.

Respectfully submitted,
by 
David J. Backman
U. S. Probation Officer
Date: May 27, 2005

Approved,
by 
John C. Cole, Supervising
U. S. Probation Officer
Date: 6-1-05

THE COURT ORDERS:

<input type="checkbox"/>	No Action
<input type="checkbox"/>	The Extension of Supervision as Noted Above
<input checked="" type="checkbox"/>	The Modification of Conditions as Noted Above
<input type="checkbox"/>	Other


Signature of Judicial Officer
6/7/05
Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

That the defendant will participate in a program of substance abuse evaluation and treatment as directed by the probation officer.

Witness:

Daily Bachman
U.S. Probation Officer

Signed:

Andrea Pitts
Probationer or Supervised Releasee

April 8, 2005

DATE

5/17/05